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Supreme Court, U.S.
FILED

APR 15 1987

JOSEPH F. SPANIOL, JR.
CLERK

No. _____

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1986

GLEN LAVERNE WOOLERY,)
)
Petitioner,)
) NSct. No. 17972
vs.) DC No. C76467
) JC No. 0495-85TA
STATE OF NEVADA,) (Las Vegas, NV)
)
Respondent.)
)

On Writ of Certiorari To The
Supreme Court of The State of Nevada

PETITION FOR WRIT OF CERTIORARI

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& KOCH
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I.

QUESTION PRESENTED FOR REVIEW

Whether a thirty (30) day mandatory minimum period of incarceration for a first conviction of driving on a revoked driver's license without accident where the driver's license was revoked because Defendant had refused a chemical test on a previous DWI arrest comports with the proportionality analysis set out in Solem v. Helm, 463 U.S. 277 (1983), and the Eighth Amendment to the United States Constitution.

II.

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or, Alternatively,
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driving on suspended,
revoked or cancelled
driver's license

B

Listing of 9 States having
penalties as serious or
more serious than the
State of Nevada's

C



III.

GROUND UPON WHICH THE
JURISDICTION OF THIS COURT IS INVOKED

A.

The Date of the Judgment Sought to
be Reviewed

The Supreme Court of the State of Nevada, on March 26, 1987, denied Petitioner's Petition for Writ of Mandamus, or in the alternative, for Writ of Certiorari (see Appendix, Tab "A", copy of that Order).

B.

Date of Order Denying Rehearing

No petition for rehearing was
filed.



C.

Statutory Provision Conferring
Jurisdiction On This Court to Review
the Judgment by Writ of Certiorari

28 U.S.C. Sec. 1257 states:

State courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where

any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

D.

Statutory Provisions

Nevada Revised Statute 483.560

states:

Driving while license canceled, revoked or suspended; probation, suspended sentences and plea bargaining prohibited; penalties.

1. Except as provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been canceled, revoked or suspended is guilty of a misdemeanor.

2. If the license was suspended, revoked or restricted because of a violation of NRS 484.379, 484.3795, 484.384 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000. No person who is punished under this

subsection may be granted probation and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason unless, in his judgment the charge is not supported by probable cause or cannot be proved at trial.

3. Any term of confinement imposed under the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of confinement must be served within 6 months after the date of conviction, and any segment of time the person is confined must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed under this section and NRS 484.3792 or 484.3794 must run consecutively.

5. The department upon receiving a record of the conviction or punishment of



any person under this
section upon a charge of
driving a vehicle while
his license was:

(a) Suspended shall
extend the period of the
suspension for an additional
like period.

(b) Revoked shall extend
the period of ineligibility
for a license, permit or
privilege to drive for an
additional 1 year.

(c) Restricted shall
revoke his restricted license
and extend the period of
ineligibility for a license
permit or privilege to
drive for an additional year.

Suspensions and revocations
under this section must run
consecutively.

Nevada Revised Statute 484.384

states:

Driving while intoxicated:
Failure to consent to
evidentiary or preliminary
test; test showing 0.10 percent
alcohol in blood; revocation of
license, permit or privilege;
periods of ineligibility.



1. Except as otherwise provided in subsection 2, if a person fails to submit to an evidentiary test as directed by a police officer under NRS 484.383, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege to drive for a period of 1 year.

2. If the person who has failed to submit to such a test has had his license, permit or privilege to drive suspended or revoked for failing to submit to such a test within the immediate preceding 7 years, he is not eligible for a license, permit or privilege to drive for a period of 3 years.

3. If a person fails to submit to a preliminary test of his breath as directed by a police officer under NRS 484.382 or the result of a test given under NRS 484.382 or NRS 484.383 shows that he had 0.10 percent or more by weight of alcohol in his blood at the time of the test, his license, permit or privilege to drive must be revoked as provided in



NRS 484.385 and he is not eligible for a license, permit or privilege for a period of 90 days.

4. If revocation of a person's license, permit or privilege to drive under NRS 483.460 follows a revocation under subsection 3 which was based on his having 0.10 percent or more by weight of alcohol in his blood, the department shall cancel the revocation under that subsection and give the person credit for any period during which he was not eligible for a license, permit or privilege.

5. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Nevada Revised Statute 484.379

states:

Driving while intoxicated:
Unlawful acts.

1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor; or

(b) Has 0.10 percent or more by weight of alcohol in his blood, to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

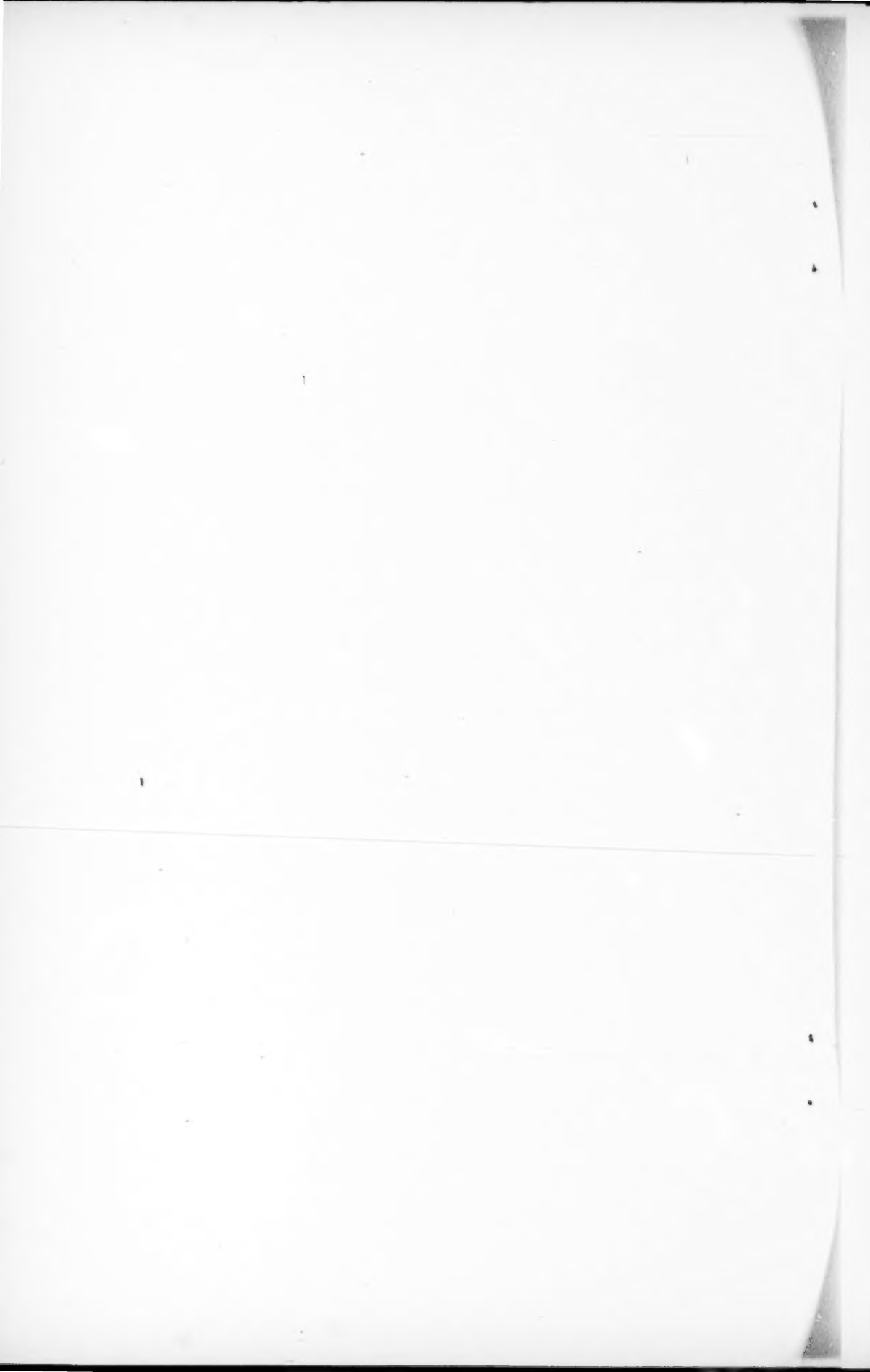
2. It is unlawful for any person who is an habitual user of or under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this state is not a defense against any charge of violating this subsection.

E.

Statement of Facts

On or about December 25, 1984, Petitioner (hereinafter "Defendant") was arrested in Las Vegas, Clark County, Nevada, for driving under the influence of intoxicating liquor (hereinafter "DUI") and refused to take a chemical test to determine his blood-alcohol content. Not requesting a hearing to determine the voluntariness of his refusal, Defendant's driver's license was revoked automatically for one (1) year on or about January 2, 1985, pursuant to N.R.S. 484.384. Defendant was then arrested for another DUI charge on January 5, 1985, and later charged for not only DUI, but for driving on a driver's license revoked for refusal to submit to a chemical test of his blood. N.R.S.

483.560. Defendant was tried on or about October 17, 1986, in Las Vegas Township Justice Court (represented by other than present counsel) and was convicted of both charges, given thirty (30) days mandatory incarceration on the driver's license charge, and two (2) days on the DUI conviction, to run concurrently, and a combined fine of \$710.00. Appeal was taken on on or about October 27, 1986, to the Eighth Judicial District Court, Las Vegas, Clark County, State of Nevada, where the issue now before this Court was briefed and argued. The Appeal from Las Vegas Township Justice Court was affirmed on or about March 6, 1987, by the District Court, and Defendant was given three (3) weeks, to and including March 27, 1987, to file a Petition for Writ of Mandamus



with the Nevada Supreme Court and seek a Stay. The Nevada Supreme Court notified counsel for the parties on March 26, 1987, that the Petition had been denied as well as the Stay. This oral Order was later reduced to a written Order dated March 26, 1987. (See Appendix, Tab "A", copy of that Order). On or about March 27, 1987, when the matter was set for review before the District Court, that Court, the Honorable Donald M. Mosely, Department XIV, allowed a period of four (4) weeks to and including Friday, April 24, 1987, at 10:00 A.M., to file a Petition for Writ of Certiorari with this Court and obtain a Stay.

If a Stay is not granted by this Court on or before that day and time, Defendant will be taken into custody and incarcerated for thirty (30) days.



F.

Stage In State Proceedings That
Federal Issue Was First Presented

The federal issue now before this Court was first presented to the Eighth Judicial District Court, Clark County, Nevada, on Appeal, and denied; the same federal issue was presented to the Nevada Supreme Court by Petition for Writ of Mandamus, which Petition was denied on or about March 26, 1987. A petition for rehearing was not filed.

G.

Contentions Relied On for
Allowance of Writ of Certiorari

**Defendant's Mandatorily Required
Sentence of Thirty (30) Days In-
carceration is Unconstitutionally
Disproportionate to the Crime Committed**

N.R.S. 483.560, the statute which forbids driving on a revoked driver's license, if that revocation stems from a refusal to take a chemical test after a DUI arrest, not only requires a mandatory minimum of thirty (30) days in jail upon conviction, but also prevents the prosecution from negotiating the charge unless the prosecutor feels that the charge is not supported by probable cause or cannot be proved at trial. The mandatory minimum period of incarceration was imposed in this case.

In Solem v. Helm, 463 U.S. 277, 103 S.Ct. 3001, 77 L.Ed. 2d 637 (1983), this Court set out three (3) factors to be

reviewed in determining whether a penal sentence was disproportionate to the crime:

- (1) the gravity of the offense
and the harshness of
the penalty;
- (2) compare the sentence at
issue to sentences imposed
on other criminals in the
same jurisdiction; and
- (3) compare the sentence to
sentences imposed for the
commission of the same
crime in other jurisdictions.

This analysis has been used in the lower courts to evaluate the severity of mandatory periods of incarceration. See Holley v. Smith, 792 F.2d 1046 (CA11 1986); State v. Carson, 720 P.2d 972 (Az. App. 1986).

Taking these elements in order, the crime herein is a misdemeanor, and no



accident, injury, or property damage need occur to invoke the mandatory minimum period of incarceration. This crime carries a maximum period of imprisonment of six (6) months and/or a fine of up to \$1,000.00 on a first offense. This is the most serious misdemeanor in the State of Nevada. The crime is classified as "petty", and carries no right to jury trial.

Secondly, even the charge of DUI, from which the revoked license charge herein stems, allows an option of two (2) days incarceration, or an equivalent period of forty-eight (48) hours of community service. Upon a second conviction of DUI within seven (7) years, a Defendant must serve ten (10) days in custody minimum, much less than the thirty (30) days at issue here. The vast majority of gross misdemeanor crimes in



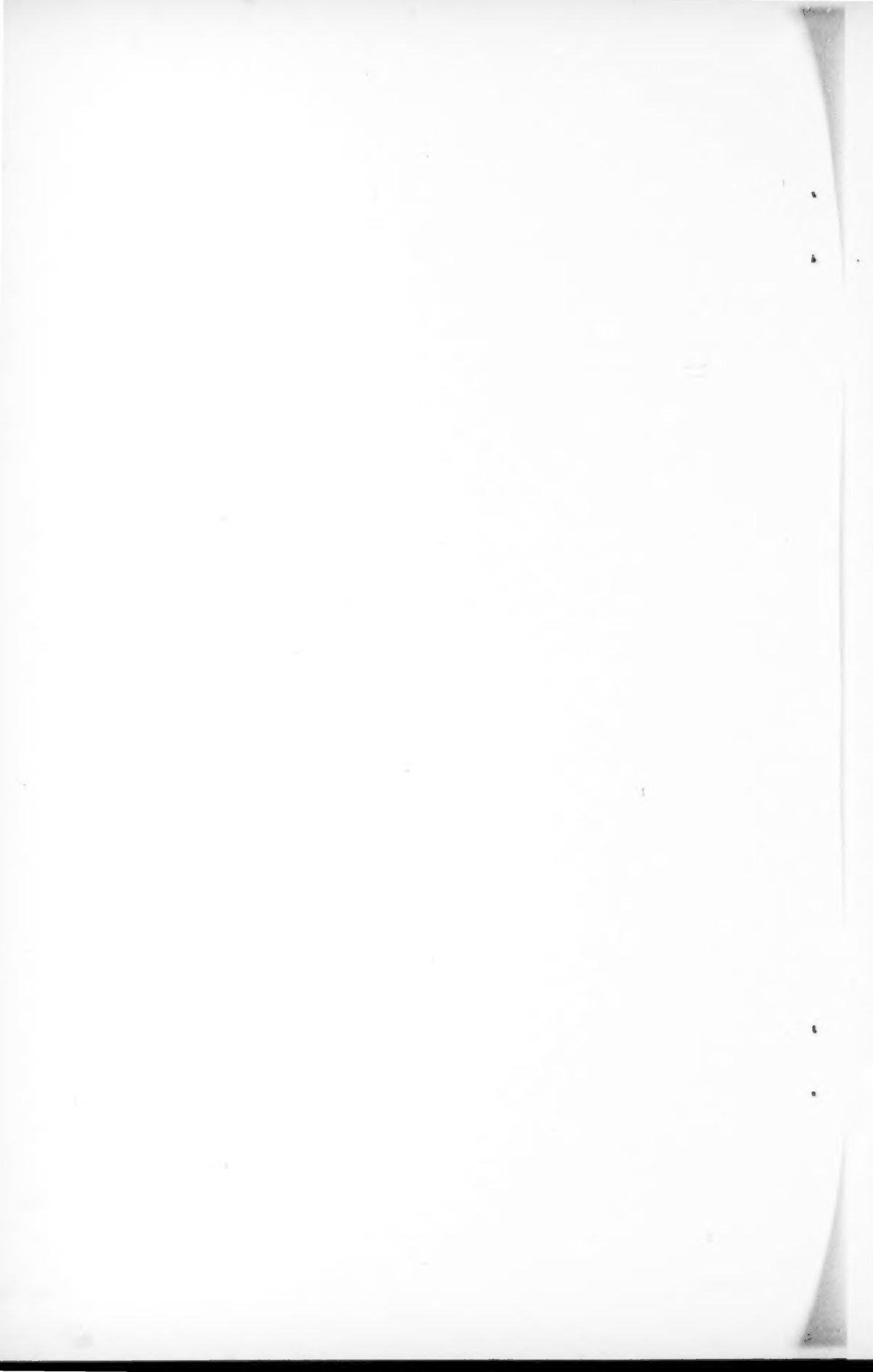
the State of Nevada do not require mandatory jail time. Even serious felonies do not require mandatory jail time, and are probationable. See, N.R.S. 200.080 (voluntary manslaughter), N.R.S. 200.090 (involuntary manslaughter), N.R.S. 200.280 (Mayhem), N.R.S. 200.310(2) and 200.330 (second degree kidnaping), N.R.S. 200.380 (robbery), N.R.S. 200.390 (attempt to kill, administration of poison), N.R.S. 200.460 (false imprisonment), N.R.S. 200.471 (assault with a deadly weapon), N.R.S. 200.481(2)(d) (battery with a deadly weapon), N.R.S. 205.060 (burglary), N.R.S. 205.010 (first degree arson), and N.R.S. 205.320 (extortion). Even most serious drug charges on a first offense (possession, sale) are probationable. In sum, felonies in the State of Nevada allow probation in the discretion of the court.



As this Court stated in Solem,
supra, at 463 U.S. 291, 301 S.Ct. 3010:

... If more serious crimes
are subject to the same penalty
or to less serious penalties,
that is some indication that
the punishment at issue may be
excessive ...

Third, Tab "B" of the Appendix is a
listing of forty-two (42) States, in-
cluding the District of Columbia, statutes
and penalties, for driving on a suspended,
revoked, or cancelled driver's license.
Some States make the distinction, as Nevada
does, between driving on a suspended or
revoked driver's license caused by a DUI
conviction or related chemical test vio-
lation, and driving on a suspended or
revoked driver's license caused from other
reasons; other States make no such dis-
tinction. Only nine (9) States have
laws where penalties are as serious as, or
more serious than, the State of Nevada's



(see Tab "C" of the Appendix herein).

This statutory penalty is clearly disproportionate to the gravity of the offense and the harshness of the penalty is harsh as compared to more serious crimes in the same jurisdiction, and harsh when compared to similar statutes and penalties in other jurisdictions, as these elements are set out in Solem, supra. See also, Enmund v. Florida, 458 U.S. 782, 102 S.Ct. 3368, 73 L.Ed.2d 1140 (1982); Coker v. Georgia, 433 U.S. 548, 97 S.Ct. 2861, 53 L.Ed.2d 982 (1977).

This Court should grant certiorari because the nine (9) States that are punishing by thirty (30) days mandatory imprisonment or more, are punishing convicted defendants significantly more than the vast majority of forty-two (42) States; and these more punitive statutes should be found to violate the Eighth



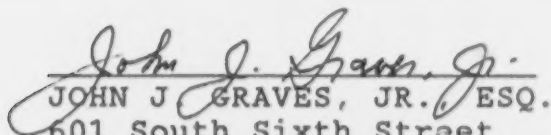
Amendment to the United States Constitution, and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

CONCLUSION

Inasmuch as the mandatory sentence of thirty (30) days is constitutionally infirm, it must be stricken. Defendant also urges this Court to Stay his incarceration pending resolution of this Petition before this Court. Defendant must surrender for incarceration at 10:00 A.M., Friday, April 24, 1987, in Department 14 of the Eighth Judicial District Court, Las Vegas, Clark County, Nevada.

DATED this 9th day of April, 1987.

GRAVES, LEAVITT & KOCH


JOHN J. GRAVES, JR. ESQ.
601 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendant/
Petitioner

2

CERTIFICATE OF SERVICE BY MAIL

GLEN LaVERNE WOOLERY,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF NEVADA,)
)
 Respondent.)
 _____)

The undersigned hereby certifies and affirms that I am an Employee of the law office of JOHN J. GRAVES, JR., ESQ., attorney for Petitioner in the above-entitled matter, and a person of such age and discretion as to be competent to serve papers.

That on April 10th, 1987, I served a copy of the foregoing and attached PETITION FOR WRIT OF CERTIORARI and APPLICATION TO STAY MANDATE enclosed in an

///

///

///

envelope, postage fully prepaid thereon,
addressed to the following:

CLARK COUNTY DISTRICT ATTORNEY
200 South Third Street
Las Vegas, Nevada 89155

ATTORNEY GENERAL
State Capitol Complex
Las Vegas, Nevada 89158

STATE OF NEVADA ATTORNEY GENERAL
Heroes Memorial Building
Carson City, Nevada 89710

Theresa J. Cole
Theresa J. Cole, An Employee
of JOHN J. GRAVES, JR., ESQ.

CERTIFICATE OF MAILING BY
COUNSEL FOR PETITIONER

GLEN LaVERNE WOOLERY,)	
)	
Petitioner,)	
)	
vs.)	
)	
STATE OF NEVADA,)	
)	
Respondent.)	
<hr/>)

Pursuant to Rule 28.2 of the Rules of the Supreme Court of the United States, Counsel for Petitioner herein, a member of the Bar of this Court, certifies that to his knowledge the Petition for Writ of Certiorari and Application for Stay of Mandate were mailed to this Court on the 10th day of April, 1987, within the permitted time to file said Petition, and that copies of the same were, on that date mailed to the Clark County District Attorney's Office

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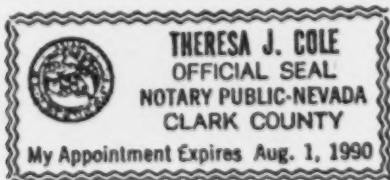
Attorney General's Office, State Capital
Complex, Las Vegas, Nevada, and State of
Nevada Attorney General's Office, Heroes
Memorial Building, Carson City, Nevada
89710.

DATED this 9th day of April, 1987.

John J. Graves, Jr.
JOHN J. GRAVES, JR.

SUBSCRIBED AND SWORN to before me
this 9th day of April, 1987.

Theresa J. Cole
NOTARY PUBLIC in and for said
Clark County, State of Nevada





APPENDIX



IN THE SUPREME COURT
OF THE STATE OF NEVADA

GLEN LAVERNE WOOLERY,)	No. 17972
)	
Petitioner,)	
)	
vs.)	FILED
)	MAR 26 1987
THE EIGHTH JUDICIAL)	
DISTRICT COURT IN AND)	
FOR THE COUNTY OF CLARK,)	
STATE OF NEVADA, and the)	
HONORABLE ROBERT ROSE,)	
DISTRICT JUDGE, thereof,)	
)	
Respondents.)	
)	
THE STATE OF NEVADA,)	
)	
Real Party)	
in Interest.)	
)	

ORDER DENYING PETITION FOR WRIT OF
MANDAMUS OR, ALTERNATIVELY, CERTIORARI

Having considered the petition on
file herein, and not being satisfied
that this court's intervention at this
time by way of extraordinary writ is



warranted, we hereby deny the petition.

See NRAP 21(b).

It is so ORDERED.¹

_____ C.J.

_____ J.

_____ J.

¹ Accordingly, we deny as moot petitioner's motion for a stay or, in the alternative, bail pending our deposition of this petition.

cc: Hon. Robert Rose, District Judge
Hon. Brian McKay, Attorney General
Hon. Rex Bell, District Attorney
Graves, Leavitt & Koch
Loretta Bowman, Clerk

ALABAMA	Code of Alabama Sec. 32-6-19 - a fine of not less than \$100.00 nor more than \$500.00; imprisonment for not more than 180 days
ARIZONA	Arizona Revised Statutes Annotated. Sec. 28-473 1986 - 2 days mandatory.
ARKANSAS	Arkansas Statute Annotated. 75-1029.1 Imprisonment for 10 days (mandatory).
CALIFORNIA	Vehicle Code Sec. 14601.2- Mandatory 10 days nor more than 6 months and a fine of not less than \$300.00.
DISTRICT OF COLUMBIA	Code Sec. 40-302(e) - fine of not more than \$5,000.00, or imprisonment for not more than one (1) year, or both.
FLORIDA	West's F.S.A. Sec. 322.34; and Secs. 775.082 and 775.083 - up to a \$500.00 fine and a definite term of imprisonment not exceeding 60 days.
GEORGIA	Georgia's Code Ann. Sec. 40-5-121 - Imprisonment of not less than 2 days nor more than 6 months and a fine of not more than \$500.00.

APPENDIX TAB "B"

HAWAII	Hawaii Revised Statutes Sec. 291-4.5 - fine of not less than \$250.00 nor more than \$1,000.00; imprisonment of at least 3 days but no more than 30 days.
IDAHO	Idaho Code Sec 18-8001 - 2 days and fine of up to \$500.00.
ILLINOIS	Illinois Annotated Statutes 95-1/2 Sec. 6-303(c), seven (7) consecutive days im- prisonment or thirty (30) days of community service.
IOWA	Iowa Code Annotated 321B.38 a "serious" misdemeanor - Sec. 903.1 - imprisonment not to exceed one (1) year, and a fine not to exceed \$1,000.00, or both.
KANSAS	Kansas Statutes Annotated Sec. 8-262, not less than 5 days imprisonment and a fine of at least \$100.00.
KENTUCKY	Kentucky Revised Statutes Sec.189A.090 - an indivi- dual is guilty of a Class B misdeameanor; Sec. 532.090 - a discre- tionary period of im- prisonment not to exceed 90 days.

LOUISIANA	Louisiana Statutes Annotated, R.S. 32.415, up to \$500.00 fine and six (6) months imprisonment.
MAINE	Maine Revised Statutes Annotated, 29 Sec. 2184, a minimum fine of \$350.00, and a term of imprisonment for not less than seven (7) consecutive days.
MARYLAND	Ann. Code of Maryland, Sec. 16-303(b), penalty provision found at Sec. 27-101(c)(12) a fine of no more than \$500.00 and imprisonment for not more than 2 months, or both.
MASSACHUSETTS	General Laws Annotated, 90 Sec. 23 - not less than \$200.00 fine or more than \$5,000.00, and imprisonment of not less than seven (7) days nor more than 2-1/2 years.
MICHIGAN	Michigan Compiled Laws - Sec. 257.904 - a fine of not more than \$100.00, and/or imprisonment of not less than three (3) days nor more than 90 days.
MINNESOTA	Minnesota Statutes Annotated Sec.171.24; punishable by imprisonment of not more than 90 days, or a fine of not more than \$700.00 or both.



MISSISSIPPI	Sec. 63-1-57, Miss. Code Ann.; not less than two (2) days nor more than 6 months imprisonment, and a fine of not more than \$100.00.
MISSOURI	Vernon's Annotated Missouri Statutes - Sec. 302.321 declares the violation, and penalizes the act as a Class A misdemeanor, punishable by 48 hours of consecutive imprisonment unless the person performs 40 hours of community ser- vice over a 10-day period.
MONTANA	Montana Code Annotated Sec. 61-5-212 - "not less than 2 days or more than 6 months, and a fine of not more than \$500.00."
NEW HAMPSHIRE	New Hampshire Revised Statutes Annotated Sec. 263:64 - Imprisonment for not less than 7 consecutive 24 hour periods, and a fine of not more than \$1,000.00.



NEW JERSEY	New Jersey Statutes Annotated Sec. 39:3-40 - Mandatory fine of \$500.00, suspension of driver's license for not less than 1 year or more than 2 years and imprisonment of not more than 90 days.
NEW MEXICO	New Mexico Statutes Annotated 66-5-39. Not less than 2 days nor more than 6 months, and a fine of not more than \$500.00.
NEW YORK	McKinney's Consolidated Laws of New York Annotated - Book 62A, Veh. & Traffic Law Sec 512: a fine of not less than \$50.00 nor more than \$100.00, or by imprisonment for not exceeding 30 days, or by both fine and imprisonment.
NORTH CAROLINA	General Statutes of North Carolina, Sec. 20-28, a fine of not less than \$200.00 or imprisonment for a period not to exceed two (2) years or both.
NORTH DAKOTA	North Dakota Century Code Sec. 39-06-42; imprisonment for at least four (4) conse- cutive days and such fine as the court deems proper.



OHIO

Page's Ohio Revised Code
Annotated, Sec. 4507.16 -
prohibition; Sec. 4507.99 -
penalty; a fine of not
more than \$500.00, and
imprisonment of not less
than 2 days nor more than 6
months.

OKLAHOMA

Oklahoma Statutes Annotated
47 Sec. 6-303; a fine of not
less than \$250.00 nor more
than \$600.00, and imprison-
ment of not less than ten
(10) days nor more than
twelve (12) months.

OREGON

Oregon Revised Statutes
Sec. 487.560 - Class C
felony - suspended due to
DUI conviction - no more
than 5 years imprisonment
and no more than
\$100,000.00 fine. Oregon
Revised Statutes 161.605
and 161.625 Other Suspensions
- Class A misdemeanor - 1 year
or less, and/or \$2,500.00 fine.

RHODE ISLAND

General Laws of Rhode Island
31-11-18.1 - 10 days imprisonment
mandatory and a \$500.00 manda-
tory fine.

SOUTH CAROLINA

Code of Laws of South
Carolina Sec. 56-1-460;
\$100.00 fine or imprisonment
for 30 days.

APPENDIX "B"

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SOUTH DAKOTA	South Dakota Codified Laws, 32-23-5 - A Class 1 misdemeanor, one (1) year imprisonment or \$1,000.00 fine, or both (SDCL 22-6-2).
TENNESSEE	Tennessee Code Annotated Sec. 55-7-116; imprisonment for not less than 2 days nor more than 6 months, and a fine of not more than \$500.00.
TEXAS	Civ. Stat. 6687N, Sec. 34 - fine of not less than \$25. nor more than \$500. - imprisonment of not less than 3 days nor more than 6 months.
UTAH	Utah Code of Annotated 41-2- 30; violation is a Class A misdemeanor (imprisonment not exceeding one year), and a mandatory fine of not less than \$1,000.00.
VERMONT	Vermont Statutes Annotated 23 Sec. 674 - two (2) days in jail, mandatory, and up to 30 days.



VIRGINIA

Code of Virginia - 46.1-350; 10 days mandatory imprisonment and not more than 6 months, and a fine not less than \$100.00 nor more than \$200.00.

WASHINGTON

Sec. 46-20-342 - misdemeanor - 10 days in jail, and a \$500.00 fine (mandatory).

WISCONSIN

Sec. 343.44 - Wisconsin Statutes Annotated - a fine of not less than \$150.00 nor more than \$600.00.

WYOMING

Wyoming Statutes Annotated Sec. 31-7-134 - Fine of not more than \$750.00 and/or imprisonment for not more than six (6) months.

ALASKA

Alaska Statutes Sec.
28.15.291 - Not less than
thirty (30) days imprison-
ment and a fine of not
less than \$500.00.

COLORADO

Colorado Revised Sta-
tutes Sec. 42-2-130 -
First offense Thirty
(30) days imprisonment,
and discretionary \$500.
to \$1,000. fine.

CONNECTICUT

Connecticut General
Statutes Annotated.
Sec. 14-215 - A fine of
not less than \$500 nor
more than \$1,000; im-
prisonment for not less
than one (1) year, thirty
(30) days of which may
not be suspended or
reduced in any manner.

DELAWARE

Delaware Code Annotated
21, Sec. 2756 - a fine of
not less than \$100. nor
more than \$500.00, and
imprisonment not less
than thirty (30) days or
more than six (6) months.

INDIANA

Burns Indiana Statutes
Annotated, Sec.
9-1-4-52. Not less than
sixty (60) day imprison-
ment nor more than one
(1) year.

NEBRASKA

Nebraska Revised Statutes
Sec. 60.430.04 - Thirty
(30) days mandatory
jail - cannot operate
a motor vehicle for a
period of one (1) year
after final discharge
from the County jail.

NEVADA

Nevada Revised Statutes
483.560 mandatory 30
days imprisonment; mini-
mum fine of \$500.00.

PENNSYLVANIA

Purdon, Pa. C.S.A. 75
Sec. 1543(b) - Not less
than ninety (90) days
imprisonment and a fine
of \$1,000.00.

WEST VIRGINIA

West Virginia Code
Annotated Sec. 17B-4-3
Six (6) months mandatory
imprisonment and a fine
of not less than \$100.